

THE CRIMINAL OF PRISON

Synopsis of Chapters Already Published

Bess Brown, daughter of a banker in the town of Marshall, refuses at the eleventh hour to elope with Jim Holden. After leaving her, Jim comes upon a tramp, who turns out to be Harvey Snow, an old schoolmate of his. He is taken aboard a freight car, bound for Dewitt, where Snow dies of an injury he has received after Jim's refusal to elope with him. Holden is arrested and sentenced to five years in prison. As two cash envelopes have been stolen from the bank, the suspicion of the robbery and of the murder of Snow in his suit case, left behind the railroad track, a man named Barlow discovers a black mark and an empty envelope similar to the one stolen. He also suspects the man, and upon discovering in his possession receipted bills to a large amount, determines to accuse him of the robbery and murder. But other suspicions being suddenly aroused in her by her cousin, Tom Griswold, she alters her decision.

CHAPTER XV.

IN COURT.

JIM did not sleep at all the night before his trial was to begin. He lay on his hard bunk staring into space.

In the morning he was fully ready to face his fate. It was going to mean much to him. He had never realized before what a precious thing liberty is. He tottered to a small mirror over the washstand and stared in at his lined face, the blood-shot eyes that stared at the case seemed to belong to some one else.

How his very features had changed! He could not account for it. Jim could not help but think how much like a murderer he really did look now.

Early in the morning the people began to flock into the courthouse. Farmers came in with their whole families, carrying lunch baskets and looking upon the day as some sort of a picnic.

Morbid curiosity is easily whetted, and a man to be tried for murder was an everyday occurrence in that country. Everybody wanted to see him, and his father had been a well-known citizen of Marshall.

Now it was whispered about in eager sentences how the elder Holden had indulged Jim and allowed the boy to grow up in laziness. No one had ever seen him do any work. He sat around and wrote and read, and Marshall, was almost as bad as stealing horses for a living.

Serious fathers emphasized the moral to their boys, and, pointing to the jail, told them that where they would find it they were not steady and inquisitive.

Half an hour before the trial was scheduled to begin, the court room was packed so that even a dog could not have sneaked in between the closely crowded mob standing at the rear.

A large number of men had been summoned for jury duty, as it was expected that it would be hard to get together twelve men that would be acceptable to both sides, as the prosecution would take no man who knew Jim personally, and the young fellow's acquaintance extended all over the county.

A great hubbub came as soon as the judge entered and discussed a few matters on his desk before calling the court to order.

There was a stir and a perceptible forward movement when it was announced that the court was in session and the prisoner was called to the bar.

Every neck was eager to see the criminal. Morbid curiosity was rife. Beside a husky policeman, Holden entered through the small door into the judge's bench, and walked firmly to the dock. His face was white and his jaw showed a determination that surprised those who knew him.

Seated at the far end of the room, he threw all of his courage into one purpose, and raised his eyes to stare back at the people whose attention was riveted on him. Eyes suddenly evaded his as he swept them about the throng in front of him. A few friends smiled encouragement to him, but he tended more to weaken him than anything else.

He was so glad that Bess was absent. But there was her father, at the State's table, among other witnesses.

Mr. Brown sat glum, silent, austere. As Jim caught his eye a blaze of madness rushed over his face, and he showed naught but a keen contempt.

There sat George beside his father. But the young man was not so calm. His eyes roved about, and he seemed ill at ease.

Jim wondered if he were scheduled to tell of having met the prisoner near the railroad track late on the night of the robbery. But Jim decided that the young fellow probably had kept this story to himself, for he would not wish to raise the question of what he was doing there himself at that hour. Some one might doubt the fact that he was cheating his horse.

Jim could not understand George's presence, unless his father had made him come along for the sake of appearance.

Holden wondered that Tom Griswold was not with them, come to have a look at the great criminal. But perhaps he was away, or that he sympathized with Bess. Jim doubted his list involuntarily at the thought.

While the jurors were being selected, Jim had plenty of time to gaze round him.

The work of panning the twelve men was slow, as had been expected, and Holden brushed countless times when a possible juror was told to look at the prisoner and asked if he had ever seen him before; the blushes would come when the men would reply: "Him! Why that's St. Holden's son. I've seen him many times as a kid," or "Jim Holden! I should say I do. My mother's there I've set down to a meal in the Holden kitchen with the old man 'fore he died, and there weren't a better man in the county."

These laconic remarks disconcerted him more than anything else. Jim remembered the memory of his father, a respected citizen, and the recollection of where he, the son, was now stunned him.

John, the old watchman, was among the witnesses. Poor fellow, he had been so confused by the robbery, the only one in his experience, that he would have sworn to anything.

Jim recognized George at the table with his lawyer and a few other witnesses. Faces of friends he picked out, as the court was selecting the jury. It was a curious thing to note how few of these faces expressed absolute belief in him. Many turned anxiously away, as he caught their eyes for a second, and some tried to pierce him with an accusing glare.

ROBERT CARLTON BROWN

Written Expressly As a Serial for The Washington Times.
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The noon recess came. Eight jurors had already been selected.

Holden was led out and ate his lunch mechanically. Once he glanced out of the window. There a slight met his eyes that thrilled him with a thousand emotions.

A crowd of farmers that had driven in to the trial with their families were eating lunch in a nearby grove. They were talking and laughing. The affair was a holiday for them.

Then he was called, walked back to the courtroom, and the trial began again.

Four jurors were soon selected, and then the prosecution opened its case.

John, the old watchman at the bank, was the first witness called. He told his story quickly, and in cross-examination by Jim's lawyer it was brought out that he could not identify the prisoner as one of the robbers, but that the money he wanted, and that no evidence had been presented to show that he was in need of any such amount for any definite purpose.

Next the watchman who had arrested Jim in the freight yard at Dewitt was called and told the facts. The envelope and money were exhibited, and it was pointed out that the witness was a thumb-marked and twisted was because the two robbers had struggled in the freight car for possession of it.

Lavish was the picture drawn by the State's attorney. He placed his thumbs on the most noticeable spots and showed just how each robber must have stood and struggled madly for the possession of the stolen money. The court had to interfere several times when the people's lawyer became too enthusiastic and imaginative in his recital.

In the middle of the description Jim thought suddenly of George. Evidently his size and the witness, or his testimony of meeting Jim near the water tank would have been taken before that of the watchman who had arrested Holden.

Jim looked at George. The young fellow had gone white. There was a sudden stir at the witness table, and George jumped up suddenly and forced his way through the crowded courtroom and out at the door.

The interest in the story was so tense that few noted this sudden departure, but to Jim it seemed that young Brown could not bear the story, probably because of his share in the actual crime.

There was food for thought in George's sudden withdrawal, but Jim could make no capital of it.

CHAPTER XV.

HOPE AND FEAR.

AT THE close of the first day's session much ground had been made by the prosecution. The defense had brought out little by cross-examination, and the jury was going decidedly against young Holden.

His lawyer came in and talked it over with him after adjournment for the day. There was little new evidence that they could bring in, and Jim's attorney only urged that Holden tell his story carefully when he was called.

Having told him that the trial would probably be finished up on the next day, and advising him to be careful when he was cross-examined, the lawyer left.

Jim had little sleep that night. The next morning he was marched into the courtroom, and the trial was continued. The prisoner noted with a peculiar feeling that George was absent.

Barlow was the first witness called. He testified to finding the suit case containing the damaging evidence in the shape of a brace and bit, a robber's mask, which John, the watchman, identified as one used by the burglars; also the other solid evidence, which the money gone.

The State's attorney was merciless. He brought out the whole affair of the arranged elopement between Jim and Bess.

Jim sat through all that with drooped head. It was very painful to have these incontrovertible facts dragged out to the light of publicity.

In the cross-examination of Barlow there was little brought out except the fact that the man had been inconsistent in some of his statements; not enough doubt was established in the jurors' minds, however, to do any material good.

The facts that the prosecution presented were many and damaging. It was shown by the State's attorney that the motive of the robbery was strong enough for the murder. Skillfully the prosecution developed its case.

It was such a clear case against Holden that the jury seemed already convinced. The prisoner had been found trying to get rid of the murdered "pal"—he had the stolen money on him. Everything pointed but one way. What further proof was needed?

But the people's lawyer went even further. He brought forth the list of witnesses to show that young Holden had never done a day's manual labor in his life. True, he had written short stories, but what was that except enjoyment. The latter point made a great hit with the farmer jury.

It was further brought out that the prisoner's father had been a prominent citizen, and that he had never got into any trouble of any kind before on account of his laziness.

The simplicity of the case enabled the prosecution to rest before noon, and a recess was ordered by the court at that early hour, so that the case could be finished up before night, if the defense did not take too long.

A good point was made concerning the robbery, in showing that young Holden did not take too long.

It was impossible to develop anything by cross-examination, and Holden's lawyer waived it, except for bringing out the fact from a witness that Jim could get all the money he wanted without stealing it, and that he had never got into any trouble of any kind before on account of his laziness.

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While Jim ate his noon meal he

thought nothing of the details of the trial; it was only the vague idea that everybody considered him guilty that possessed his mind.

When court was called for the afternoon's session, Holden's lawyer took his stand before the jury and presented the facts strongly as he saw them.

He told how the boy had always lived a decent life in Marshall, and explained how Jim had worked hard at writing, even if the people didn't see him do it. He went on, telling how Jim had never done the slightest wrong, and was known everywhere for his tender heart.

Various witnesses, among them Gordon, were produced, and the clear record of Jim was established with the jury. The motive of robbery was dismissed with the explanation that the prisoner was not in debt, had all the money he wanted, and that no evidence had been presented to show that he was in need of any such amount for any definite purpose.

That he should steal money on the eve of his elopement was absurd. It also hardly stood to reason, the lawyer claimed, that a man, having reached maturity, would rob and murder, just for the fun of the thing.

Cross-examination of the few witnesses produced by the defense was waived, the point of good character being willingly granted, for the prosecution knew that no case had been made in support of the prisoner. It had been an appeal only.

Then Jim was put on the stand, and he told his story simply. An impression seemed to be made on the jury, and as he stepped down there was a tense silence.

The prosecution now summed up its case, and the overwhelming strength of it swayed the jury back to the other side.

The people's lawyer said in part: "Gentlemen of the jury, I have proved that the prisoner at the bar had lived his time away and never had any real occupation unless amusing himself with writing could be called one. Those of you who are fathers will readily understand what this leads to. Laziness,

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downright laziness, leads to everything. We have shown the prisoner carrying the body of the tramp across a freight yard, and when called upon to halt he disregarded the command of the law. Does that sound innocent? Do innocent men rush on when the law says, 'Stop!'

This was a clincher with the jury. Jim's lawyer closed his case simply and the judge charged the jury.

The case was all finished, and it was only 4 o'clock.

There followed an hour of agonizing suspense. Holden's lawyer looked up at him brightly. There was hope in his eyes. Hope of a disagreement.

Then suddenly court was reconvened, word had been sent by the foreman that the jury had reached a decision.

Order was made in the room and every one sat in tense silence. Jim strained forward as the twelve men filed in singly behind the foreman.

Then a blackness swept over him, and he slumped down in his chair. He could not think that they would acquit him. God, what a relief it would be to have freedom again! He could not hope it.

If they had disagreed it would be something. He would have to stay in jail for another trial, to be sure. But what would that be, compared to being sentenced as a murderer?

The last thought chilled him. What would the jury decide? Would they pronounce a unanimous verdict of guilty?

The word rang in his ears. He remembered suddenly the judge's closing words when he had charged the jury.

"From the law as practiced in this court, you can bring in one of two verdicts. Either that the prisoner is not guilty, or that he is guilty of manslaughter in the first degree."

Meanwhile the jurors had filed in like a funeral procession and taken their seats slowly.

Jim tried to read his fate in their eyes, but they were a cool, passive lot, and he could make out nothing from their facial expression.

"Have you reached a verdict, gentlemen?" asked the judge.

"We have, your honor," replied the foreman, rising. "There was no hope of disagreement now. It was one thing or the other. At that moment something seemed to snap in Jim's head.

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